



DPW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph A. King et al.

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For: UNIVERSAL DISPENSER

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7-14-05

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

REMARKS

The applicant has received and reviewed the office action of May 16, 2005 wherein the office stated that claims 18-21 were allowable, claims 3-5, 7, 8, 13, 15, and 17 were objected to as being dependent upon a rejected base claim but would be allowable if rewritten and claims 1, 2, 6, 9-12, 14 and 16 were rejected under 35 U.S.C. 102 as being anticipated by Pogue 6,244,518, who shows a snake repellent system that can be mounted to the leg of a user.

Applicant submits that the Pogue snake repellent system which is a food container that contains food, namely, garlic and onions is not relevant art. In addition, Pogue points out his food container (i.e., snake repellent system) is attached to a person. It is submitted that the art of food containers and particular the art of food containers used as part of a snake repellent system is not relevant art to applicant's universal dispenser of claim 1 which is for use in open or closed fluid systems. Pogue has a food container with holes in the top of his container. Pogue places garlic and onions in the food container. According, to Pogue the aroma from the garlic and onion repels the snakes. Applicants claim 1 is not in the art of snake repellent systems. Nor is applicants claim 1 in the art of food containers. It is submitted that it is in error to cite art of food containers i.e. snake repellent systems as being relevant to the universal dispenser of claim 1. It is submitted that one in the art of building a universal dispenser for either an open or closed fluid system would not look to the art of snake repellent systems since it is unrelated to the art of universal dispensers for open and closed fluid systems.

In regard to the rejection of the claim elements under 35 U.S. C. 102(b) the office stated that it considered the "lid portion" 85 and the "base portion" 83 of the snake repellent system of Pogue to comprise the housing of claim 1 with "lid apertures" 100 comprising discharge ports of claim 1. The office also went on to take the position that the "cap portion" 84 of the snake repellent system of

Pogue comprises the sleeve of claim 1 and that openings 107 in the cap comprise the diffusion ports of claim 1.

The applicant disagrees that the elements of claim 1 are anticipated by the snake repellent system of Pogue. Applicant points out claim 1 calls for a universal cartridge for controllable delivery of dispersant in either an open or a closed fluid system. In contrast, Pogue points out that his snake repellent system has a closed position or an open position, but he does not state that his snake repellent system is in either an open or closed fluid system. That is, the Pogue snake repellent system has a closed position, which he defines as "that position in which none of cap apertures 107 overlap apertures 100" (column 6 lines 60-63) and an open position wherein there is "substantial alignment between apertures 100 and 107 thereby providing for unobstructed release of the aroma 30" (column 6 lines 53-55). Applicant has found no teaching that the Pogue snake repellent system provides for a controllable delivery of a dispersant in either a closed system or an open system as called for in claim 1.

In addition, claim 1 calls out for the "inner mateable surface and an outer mateable surface frictionally engaging each other to form a fluid seal therebetween to limit a diffusion path from a fluid in the chamber to a fluid outside the chamber" a feature not found in Pogue.

Claim 1, 6 and 7 have been amended to correct a typographical error in listing antecedents for diffusion port and claims 22 to 24 have been withdrawn as being to an unelected invention.

Accordingly, it is submitted that the remaining claims 1-21 are in allowable condition and a notice of allowance is respectfully requested.